



County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, California 90012
(213) 974-1101
<http://ceo.lacounty.gov>

WILLIAM T FUJIOKA
Chief Executive Officer

Board of Supervisors
GLORIA MOLINA
First District

MARK RIDLEY-THOMAS
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

March 29, 2013

To: Supervisor Mark Ridley-Thomas, Chairman
Supervisor Gloria Molina
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: William T Fujioka
Chief Executive Officer

SACRAMENTO UPDATE - CHILD WELFARE LEGISLATION

Executive Summary

This memorandum provides information on the following:

- **Pursuit of County Position to Support AB 406 (Torres and Bloom).** This measure would repeal the January 1, 2014 sunset clause to allow county child abuse Multi-Disciplinary Teams (MDTs) to continue engaging in the investigation of suspected child abuse and neglect and share or exchange information. Therefore, unless otherwise directed by the Board, consistent with existing policy to support legislation to clarify that agencies providing services to a family may share case information, **the Sacramento advocates will support AB 406.**
- **Legislation of County interest:**
 - **AB 643 (Stone)** - related to State compliance with Federal law, the Uninterrupted Scholars Act, which provides child welfare agencies with access to school records.
 - **AB 758 (Frazier and Perea)** - related to additional reporting requirements for county welfare agencies' child abuse and neglect reports.

"To Enrich Lives Through Effective And Caring Service"

*Please Conserve Paper – This Document and Copies are Two-Sided
Intra-County Correspondence Sent Electronically Only*

- **AB 787 (Stone)** - related to clean-up legislation for extended benefits to eligible foster youth up to 21 years of age.
 - **SB 528 (Yee)** - related to minor and non-minor dependent parents.
-

Pursuit of County Position on Legislation

AB 406 (Torres and Bloom), which as introduced on February 15, 2013, would repeal the January 1, 2014 sunset clause to allow county child abuse Multi-Disciplinary Teams (MDTs) engaged in the investigation of suspected child abuse and neglect to utilize two-person MDTs when disclosing or exchanging information.

Existing law allows counties, until January 1, 2014, to create two-person MDTs to investigate cases of suspected child abuse and neglect, rather than three-person MDTs. Individuals on the teams are trained in the prevention, identification and treatment of child abuse. Additionally, current law authorizes the disclosure and exchange of information among the MDT members to occur electronically and telephonically for 30 days or longer when good cause exists after reports of child abuse or neglect. Existing law further requires that the sharing of information permitted in the period following a report of suspected child abuse or neglect be governed by protocols developed in each county describing how and what information may be shared to ensure that confidential information is not disclosed in violation of State or Federal law. AB 406 would make these provisions under current law permanent by repealing the sunset clause.

The Department of Children and Family Services (DCFS) indicates that current law to allow two-person MDTs has been beneficial and has expedited the referral investigation process for social workers who need to obtain critical information about the safety and well-being of children. DCFS also indicates that current law has been helpful to continuing case services workers and dependency investigators who can engage in the MDT process, allowing for a more thorough vetting of case and family information. This has resulted in better assessments and recommendations to the Juvenile Court on behalf of children, and has facilitated better inter-agency communication to support child abuse investigations and fostered more timely investigations.

The Department of Children and Family Services and this office support AB 406. Therefore, unless otherwise directed by the Board, consistent with existing policy to support legislation to clarify that agencies providing services to a family may share case information, **the Sacramento advocates will support AB 406.**

AB 406 is sponsored by the County of Los Angeles District Attorney's Office and supported by the California District Attorneys Association and the Crime Victims Action Alliance. There is no registered opposition on file.

This measure is scheduled for hearing in the Assembly Public Safety Committee on April 2, 2013.

Legislation of County Interest

AB 643 (Stone) - Federal Uninterrupted Scholars Act. This measure, as amended on March 19, 2013, would make various changes to pupil record provisions under State law to conform to Federal law pursuant to **County-supported S. 3473**, Uninterrupted Scholars Act, which amends the Family Educational Rights and Privacy Act (FERPA) to provide child welfare agencies with access to school records of youth under their supervision. Existing State law prohibits a school district from permitting access to pupil records to any person without written parental consent or judicial order. This measure is currently pending hearing in the Assembly Education Committee.

AB 758 (Frazier and Perea) - Child Abuse and Neglect Reports. This measure, as introduced on February 21, 2013, would require, commencing January 1, 2014, county child welfare agencies, within 60 calendar days of a determination that abuse or neglect led to the death of a child, to review and prepare a written report regarding the child's death. The report would need to contain the following information: 1) an analysis of the circumstances leading to the child's death; 2) an evaluation of whether child welfare services provided to the child, if any, could have been improved; and 3) recommendations regarding how to improve the delivery of child welfare services for children in the future, assuming the agency's evaluation determined that services delivered to the child could have been improved.

AB 758 would also require county child welfare agencies to submit the report to the California Department of Social Services (CDSS) within 10 business days of its completion, and CDSS would review the contents of the report to identify any systemic issues or patterns that need improvement. CDSS would be required to base its annual report concerning child fatalities on, among other things, the 60-day reports received from various counties.

AB 758 is nearly identical to AB 1440 (Perea) of 2012, except that the effective date of the additional reporting requirements is revised to January 1, 2014 instead of January 1, 2013. As previously reported, AB 1440 was held in the Assembly Appropriations Committee's suspense file due to potential costs to the State General

Fund. This office worked with DCFS, County Counsel, the County Welfare Directors Association (CWDA), and the author's office to address significant concerns to the County under AB 1440.

Existing Law

SB 39 (Chapter 468, Statutes of 2007), requires counties to release, upon request, certain items of information related to the death of a child. Whenever there is a reasonable suspicion that a child's death resulted from child abuse and neglect, a limited set of information must be released within five business days. Furthermore, when any of three agencies (law enforcement, coroner or child welfare) concludes that abuse or neglect led to the child's death, a second set of documents may be released, subject to redactions and the ability of certain persons and agencies to raise objections. Existing law requires each county child welfare agency to notify CDSS of every child fatality that occurred within its jurisdiction that was the result of child abuse or neglect. Based on those notices and any other relevant information in its possession, CDSS must annually issue a report identifying the child fatalities and any systemic issues or patterns revealed by the notices and other relevant information.

Potential County Impact

According to the Department of Children and Family Services, the completion and submission of reports on every child death determined to be due to child abuse and neglect, as proposed under AB 758, would have a significant operational impact to DCFS and the County. DCFS indicates that the Department's current review process is extensive, always includes County Counsel, and frequently includes consultation with regional staff, policy specialists, the department's executive team and director. Case level reports, with confidential case and practice information are completed at specified intervals during the review process, with some reviews and reports being completed within time periods longer than the time intervals proposed in the legislation.

The Department of Children and Family Services also indicates that there are some cases in which it would be likely that the Department could complete comprehensive reports within the 60-day timeframe, as proposed under AB 758. These would include cases with limited or no DCFS history, or where there is no reason for DCFS to conduct a child welfare investigation, such as when there are no surviving siblings. Conversely, there are cases where it would be highly unlikely that the Department would be able to complete comprehensive reports within the 60-day timeframe, such as cases with extensive DCFS history; cases in which active investigations are still taking place by law enforcement, DCFS or the Coroner; and cases involving dependency court jurisdiction. According to DCFS, given that under AB 758 the entire process would encompass only

a total of approximately 70 days (60 calendar days for the completion of the investigative report and 10 business days for submission to the CDSS), meeting these deadlines for all cases would not be feasible for the reasons stated above.

County Counsel indicates that reports written before such investigations are completed, would be of questionable value because they may reach premature and erroneous conclusions. Additionally, AB 758 would increase the number of reports which the County would need to write because it requires a report on each child death where abuse or neglect led to the child's death. According to County Counsel, AB 758 also does not indicate that the proposed 60-day reports mandated would be privileged, and reports might be publicly obtainable in those instances where confidential information could be adequately redacted. Consequently, their content could harm the legal interests of the authoring county and the children the county seeks to protect. County Counsel further indicates that there is significant risk that the reports, or portions of the reports, could become public and adversely impact criminal investigations and prosecutions.

There is no existing Board policy relating to AB 758; however, as indicated above, this office will continue to work with DCFS, County Counsel, CWDA and the author's office to address significant concerns to the County, including working to protect the confidentiality of records.

AB 758 is currently pending hearing in the Assembly Human Services Committee. There is no registered support or opposition on file at this time.

AB 787 (Stone) - AB 12 Clean-up Legislation. This measure, as amended on March 19, 2013, is the vehicle for additional clean-up legislation to **County-support-in-concept AB 12** (Chapter 559, Statutes of 2010), and related legislation, which extended Foster Care and Kinship Guardian Assistance Program benefits to eligible youth up to 21 years of age, as provided in H.R. 6893, the Federal Fostering Connections to Success and Increasing Adoptions Act of 2008.

As amended, AB 787, among other provisions, would: 1) allow non-minor former dependent youth whose guardian or adoptive parent dies after the youth has turned 18 years of age to petition the court for re-entry in order for the youth to receive extended foster care benefits; and 2) address the conditions that a non-minor dependent must satisfy in order for benefits under the Aid to Families with Dependent Children - Foster Care (AFDC-FC) Program to be received by a non-minor dependent.

AB 787 is scheduled for hearing before the Assembly Human Services Committee on April 16, 2013.

SB 528 (Yee) - Minor and Non-minor Dependent Parents. This measure, as introduced on February 21, 2013, would, among other provisions:

- Require a dependent child's social worker, if the child is 10 years of age or older, to ensure that the child is informed of his or her right as a minor to consent to and receive those health services, and provided with prescribed information regarding reproductive health care, among other information.
- Specify that the rights of dependent children are not limited to consent to certain types of medical and other care, including the diagnosis and treatment of sexual assault, medical care relating to the prevention or treatment of pregnancy, mental health treatment, and treatment for alcohol and drug abuse.
- Require child welfare agencies, local educational agencies, and child care resource and referral agencies to make coordinated efforts to ensure that minor parents and non-minor dependent parents who have not completed high school have access to school programs that provide onsite or coordinated child care, and that minor parents are given priority for subsidized child care.
- Declare the intent of the Legislature to ensure that complete and accurate data on pregnant and parenting minor and non-minor dependents and their children is collected.

SB 528 is scheduled for hearing before the Senate Human Services Committee on April 9, 2013.

This office is working with DCFS, County Counsel and other affected departments to determine potential impact of these measures on the County.

We will continue to keep you advised.

WTF:RA
MR:OR:ma

c: All Department Heads
Legislative Strategist